

**Amendments to the Drawings:**

The attached drawing sheets include replacement sheets depicting Figures 1 – 35. The sheets, which include Figures 1 – 35, replace the original sheets including Figures 1 – 35. In Figures 1 and 2 the background has been changed to white. In Figures 3 – 35 the color has been enhanced to more clearly depict the drawings as color drawings.

Attachment:            Replacement Sheets

## **REMARKS**

In the specification, the following new paragraph has been added to the first paragraph in the portion of the specification entitled “Brief Description of the Drawings” found on page 9, line 4 of the application: “The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the U.S. Patent and Trademark Office upon request and payment of the necessary fee.” The amendment to the specification to include a color drawing statement is clearly supported by the drawings; particularly Figures 1 – 35.

In the claims, claim 1 (and claims 2 – 24, 52 – 55, 57 – 94, 97 – 116 and 118 – 133, dependent thereon) have been amended to further bring out that the product information of the system comprises multimedia brand information and the multimedia interface enables the consumers to modify and display the multimedia brand information. Additionally, claim 25 (and claims 26 – 49 and 117, dependent thereon) have been amended to further bring out that the product information of the method comprises multimedia brand information and the multimedia interface enables the consumers to modify and display the multimedia brand information. Claim 26 has further been amended to correct a formality, so that it now correctly depends from claim 25. The amendments to the claims are clearly supported by the specification; particularly at page 4, lines 9 – 10 and lines 22 - 24.

In the drawings, replacement sheets for figures 1 – 35 are submitted herewith; see herein below for a more detailed discussion of same, as well as page 27 hereinabove.

Applicant’s invention, as amended, provides a computer network based system and method whereby consumers can interact with brand information and with each other. Applicant’s

invention is implemented over the Web, an intranet, or other network system, and is available for consumers twenty-four hours a day, seven days a week. Current claims 1 – 133 provide a networked interactive system and method for display of product information to a plurality of consumers by providing a multimedia forum for enabling the consumers to communicate with each other and at least one sponsor. A multimedia interface is further provided for enabling the consumers to modify and view the product information, including brand information in multimedia form. The product information and the multimedia interface are updated based upon the consumers' actions and communicated to the sponsor. Uniquely, the system and method of applicant's claims provides a medium wherein consumers are able to creatively interact with a sponsor's brand information, particularly multimedia information, over the Web, while at the same time providing a medium for sponsors / advertisers to interact with consumers, gain valuable advertising, brand recognition and instant consumer feedback.

I. Drawing Objection:

The Examiner has objected to the drawings because same are considered informal, illegible, and poor quality for publication. The Examiner has requested corrected drawings in the application. As such, applicant herewith submits attached drawing sheets including replacements sheets for Figures 1 – 35. In Figures 1 and 2 the background has been changed to white. In Figures 3 – 35 the color has been enhanced to more clearly depict the drawings as color drawings.

Please replace the original drawing sheets, Figures 1 – 35, with the replacement sheets herein included in the Attachment. Figures 1 and 2 have been amended by way of replacement sheets to remove the black dotted background which appeared in the original sheets for Figures 1

and 2. Figures 3 – 35 have been amended to by way of replacement sheets to enhance the color in the original sheets for same. The amendments to the drawings are clearly supported by the original specification; particularly Figures 1 – 35.

Herewith submitted is a Petition under 37 CFR §1.84(a)(2) requesting acceptance of the color drawings, as amended, in Applicant's utility patent application and any patent that issues there from. The petition includes three (3) sets of color drawings, a black and white photocopy that accurately depicts, to the extent possible, the subject matter shown in the color drawings in compliance with 37 CFR §1.84(a)(2), an amendment to Applicant's specification to include the paragraph added by way of this amendment, and the payment of the fee as set forth in 37 CFR §1.17(h).

In view of the submitted petition and fee in compliance with 37 CFR §1.84(a)(2), and the replacement drawings submitted herein, it is respectfully requested that the replacement drawings be entered in compliance with 37 CFR 1.84 and 37 CFR §1.21(d).

## II. Rejection under 35 U.S.C. §103(a):

The Examiner has rejected claims 1, 5 – 25 and 29 – 133 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,317,777 to Skarbo et al., in view of U.S. Patent App. Pub. No. 2001/0039519 to Richards.

Skarbo et al. discloses a document-collaboration videoconferencing system between a first and a second conference attendee. In one embodiment, the system comprises a document server, a local presenter computing system, and a conferencing computing system. In this embodiment, the local presenter computing system transfers a document to the document server

over a network, and the first conferencing system copies such document over the network from the document server.

Richards discloses a cooperative buying system for purchasing consumer products using a computer network. The system, method and apparatus provides buying information and recommendations to help consumers purchase products from retail merchants when prices are at their lowest relative point rather than when the consumer runs out and needs to purchase at a higher price. Electronic access to a plurality of product information from a plurality of retail merchants in a plurality of markets is provided. For each regularly purchased product the system displays the lowest price available from a plurality of retail merchants. It also displays a price index that indicates how the current lowest price compares with the high and low price recorded for the product over a defined period of time, a re-order index that forecasts when the consumer is expected to run out of the product and a unit price index that indicates how the current unit price compares with the unit prices of a group of similar products. Using the price, re-order and unit price index information, the system recommends products that the consumer should consider purchasing. For products purchased from retail merchants with physical stores, the system will create a shopping list for each store listing the products in order of location in the physical store for quick purchase. Finally, the system provides a cooperative price check and update function where some consumers, who are also members, check and update prices and store location information on a defined number of products during their regular shopping trip and share this information with the larger consumer population.

Regarding claim 1, as well as claims 5 – 25 and 29 – 133, the Examiner has stated that Skarbo et al. discloses a networking interactive system for display of documents to a plurality of

consumers comprising: a multimedia forum for enabling the consumers to communicate with each other and at least one sponsor (col. 5, lines 26 – 44); and a multimedia interface for enabling the consumers to modify and view the documents (col. 5, lines 15 – 53). The Examiner further stated that the documents and the multimedia interface are updated based upon the consumers' actions and communicated to the sponsor (col. 5, lines 15 – 53). However, the Examiner has found that Skarbo et al. does not explicitly teach that the documents include product information, and has pointed to Richards for support. The Examiner has further stated that Richards teaches a cooperative buying system that provides product information and allows consumers to input and update pricing information on products (page 3, paragraphs [0056 – 0057]). Therefore, the Examiner concluded it would have been obvious to one of ordinary skill in the data processing art at the time of the invention to combine the teachings of Skarbo et al. and Richards to allow consumers to view and modify product information because it would provide consumers with buying and purchase recommendation information.

Applicant respectfully traverses the rejection of claim 1. Present claim 1 requires the networked interactive system display of product information to a plurality of consumers via a multimedia forum enabling the consumers to communicate with each other and at least one sponsor and a multimedia interface for enabling the consumers to update, modify and view the product information and communicate these updates, modifications and views to the sponsor. As amended claim 1 further requires the product information comprise multimedia brand information and the multimedia interface enables the consumers to modify and display the multimedia brand information. On the other hand, any system or method that is disclosed in Skarbo et al. in view of Richards fails to teach or disclose an interactive system, open to the public, i.e. consumers, that enables consumers to communicate with each other and at least one

sponsor while enabling consumers to update, modify and view the sponsor's product information, including multimedia brand information. Therefore, it is submitted that amended claim 1 patentably defines over Skarbo et al. in view of Richards.

Firstly, any system or method resultant from the combination of Skarbo et al. and Richards would not provide the ability for consumers, i.e. the public, to utilize the system and method openly and freely anytime they wish to modify and view product information, including brand information. Rather any method or system derived from combining Skarbo et al. and Richards would result in a typical video conferencing system wherein only those who are given access can participate in the conference, and even still, the access is for a specific period of time, starting only after the document server (130) and conference installations (132) for each attendee have been initialized [Fig. 2]. The presenter must make a connection with all other conference participants (138), requiring that each participant support an appropriate data conferencing protocol [col. 5, lines 15 – 25]. After all parties are connected, the presenter opens an application program (140) in accord with standard sharing conventions and actively elects to share (142) the opened application. At this point only, the conference attendees can engage in a typical collaborative videoconferencing arrangement, until such point as the presenter signals the end of the conference and stops sharing (144) the application (e.g., closes the application). Once the conference has ended, the next step is for the *presenter* to update the document server (136) with any changes that were made to the documents during the conference sharing (142) [col. 5, lines 15 – 25].

Skarbo et al. does not disclose a multimedia open-forum for enabling consumers to communicate with each other and at least one sponsor, but rather discloses that participants connect using data conferencing protocol and that participants need to be given access to the

conference by a presenter [col. 5 lines 26-44]. These participants are only offered entry during a specific time and for a specific conference objective [col. 5 lines 26-44]). Conversely, Applicant's claims provide a system open platform system where anyone connected to the Internet can access the system to contribute and communicate with the host company and amongst themselves. Applicant's system allows visitors to come at anytime and stay as long as they please, and actually frequency and continued participation is encouraged since the object of Applicant's system is to communicate and build a relationship between a brand and its audience, which inherently builds loyalty and trust. According to applicant's system, a sponsor implements tools on the site, however, customers can go the site and interact with just one another or with the sponsor.

Secondly, any system or method resultant from the combination of Skarbo et al. and Richards would not provide the ability for consumers to modify and view product information, including interacting creatively with brand information, particularly multimedia information. As pointed out by the Examiner, and concurred with applicant, Skarbo et al. does not teach modification of product information (see Office Action, page 3); and even still Skarbo et al. fails to disclose the ability for the public (i.e. consumers) to directly, and in real-time, modify "documents" (inherently very different from product information graphics) independently. According to the system and method in Skarbo et al., given documents are viewable for participants to collaborate to modify a document and the presenter has the ability to update the document to include the various collaborative modifications. In addition, the presenter in Skarbo et al. determines whether to send users' inputs to the document server, while applicant's system required by claims 1 – 133 provides that all modifications are, by default, automatically loaded



onto the database (although some of applicant's system's administration tools gives the host company the power to queue audience's input if desired).

Further, Richards fails to disclose the ability to allow consumers to modify and update brand information of the sponsor, but instead merely discloses providing a consumer electronic shopping system that provides consumers with electronic access to a plurality of product and pricing information from a plurality of retail merchants in a plurality of markets. Specifically, Richards does not disclose the ability to modify brand information, but only provides buying information and recommendations to help consumers purchase products from retail merchants when prices are at their lowest relative point rather than when the consumer runs out and needs to purchase at a higher price. Thus, any combination of Skarbo et al. in view of Richards would fail to provide a system and method that enables consumers to communicate with each other and at least one sponsor while enabling consumers to update, modify and view the sponsor's product information, including brand information.

Richards teaches providing consumers with the ability to input pricing information on products and share this pricing information with the larger consumer population [paragraph 0056], however, the consumers do not have the ability to modify product information including multimedia brand information as is required by Applicant's amended claims. Richards does not disclose permitting consumers to have true control over the multimedia environment beyond inputting textual pricing information, and functions and operates completely different from applicant's system and method. Among the significant benefits accorded by applicant's system and method are certain enablement and facilitation features, which allow companies to: (i) reinforce their brand equities; (ii) speak directly to their target audience on an ongoing basis; (iii) test new and updated products and services via the Focus Group/Feedback mode; (iv) create

an environment, which builds greater customer satisfaction and involvement; (v) build brand communication so customers see and feel the brand as his/her own; and (vi) encourage participation to a brand via purchases and signups by rewarding folks with coupons, samples, and gift certificates. Customers utilizing applicant's system and method, as required by claim 1 – 133, are enabled to express product preferences in a free-form mode using applicant's Web based system, which dynamically stores customer inputs and updates the Wall for viewing by other users. An ongoing dialogue between business and consumer results from Applicant's claimed system and method, as well as consumer-to-consumer, nurtures customer participation, loyalty and satisfaction, and builds a community housed within the company's brand. The end results of utilizing applicant's claimed system and method spell greater profits and keep companies on the radar; first and foremost in the minds of their customers. Any system or method derived from combining Skarbo with Richards would still not provide the capability of the level of communication resultant from applicant's system and method as claimed.

Uniquely, applicant's system and method, as required by applicant's claims 1 – 133, provides an interactive marketing tool that allows users / consumers to manipulate a sponsor's brand information through use of specialized multimedia elements (making graffiti) or via the chat and feedback mechanisms of applicant's claims to create their own Internet page (i.e. Wall) and express their views in the context of the brand. The personality of the Wall resultant through applicant's system and method is determined by the company's brand message and via the personality of its audience input. Applicant's claims define a system and method that enables communication between consumers, suppliers, sales representatives and retailers on a comprehensive level that goes far beyond any pricing and purchasing mechanisms disclosed by Richards. With applicant's system and method users communicate with a full spectrum of brand

saturated media elements. For example, using BMW® to illustrate this point, on entering a branded BMW® 3 Series visitors utilizing applicant's system are offered a range of media elements to communicate and play with. This could include various 3 Series cars, sound of a smooth running 3 Series' engine, 3 Series radio commercial, 3 Series tag lines and headlines, 3 Series TV ads and a 3 Series animated BMW® car that can race through the landscape loaded on applicant's system. What better way to be top of mind than to immerse an audience with a company's brand and its message, and inviting them to communicate, using brand saturated multimedia.

Third, there is no motivation to modify the primary reference of Skarbo et al. to provide a multimedia forum wherein consumers have the ability to modify and view product information, including brand information (as required by applicant's claims 1 – 133), because then the videoconferencing feature of Skarbo et al. would not involve a small group of select attendees modifying a document overseen by a presenter, but would involve a large group of consumers independently accessing product information and modifying same in an uncontrolled manner. Presumably, the document in Skarbo et al. is a collaborative effort to create the final document draft, whereas the applicant's system is a constantly changing, morphing environment open to the public. Combining Richards with Skarbo et al. would not yield applicant's system, because Richards discloses modifying price and the like, and does not disclose modifying brand information via graphic tools to create an interactive page.

Regarding claims 5, 6 – 13, 7 – 12, 14 – 24, 52 – 55, 57 – 94, 97 – 116 and 118 – 133, these claims are directed to preferred embodiments of the invention recited by amended claim 1 which applicant believes to be patentable over Skarbo et al. in view of Richards for the aforesaid reasons. Regarding claims 26 – 49 and claim 117, these claims are directed to preferred

embodiment of the invention recited by amended claim 25, which applicant believes to be patentable over Skarbo et al. in view of Richards for the aforesaid reasons. Claims 50, 51 and 56 are independent claims including the unique, novel features of claims 1 and 25, which applicant believes to be patentable over Skarbo et al. in view of Richards for the aforesaid reasons. Accordingly, it is respectfully submitted that claims 1, 5 – 25 and 29 – 133 are patentable over Skarbo et al. in view of Richards by definition, for the same reasons.

Accordingly, reconsideration of the rejection of claims 1, as well as claims 5, 6 – 13, 7 – 12, and 14 – 24, dependent thereon, under 35 U.S.C. §103(a) as being unpatentable over Skarbo et al. et al. in view of Richards is respectfully requested.

Claims 2 – 4 and 26 – 28 were rejected under 35 U.S.C. §103(a) as being unpatentable over Skarbo et al. in view of Richards, as applied to claims 1 above, as well as claims 5, 6 – 13, 7 – 12, and 14 – 24, dependent thereon, and further in view of U.S. Patent App. Pub. No. 2002/0161764 to Sharo.

Sharo discloses a marketing management method and a system to manage interactions, develop base line for the current performance, analyzing various marketing strategies and selecting a desirable marketing strategy for implementation are disclosed. In one embodiment of the invention, the method helps clients prepare product and service brands to mitigate risks and maximize profits. The method utilizes a web-based system including a server system coupled to a centralized interactive database and at least one client system. The method further includes the steps of documenting benefits and leading indicator metrics to evaluate an impact of the new marketing strategy and then making iterative improvements after strategy implementation to the new marketing strategy to refine the marketing strategy further to reduce risks and increase profits.

Regarding claims 2 – 4 and 26 – 28 these claims are directed to preferred embodiments of the invention recited by claims 1 and 25, respectively, going towards applicant's system and method. Each of claims 2 – 4 depends from amended claim 1, which applicant believes to be patentable for the aforesaid reasons. Each of claims 26 – 28 depend from amended claim 25, which applicant believes to be patentable for the aforesaid reasons. Accordingly, it is respectfully submitted that claims 2 – 4 and 26 – 28 are patentable for the same reasons.

Accordingly, reconsideration of the rejection of claims 2 – 4 and 26 – 28 under 35 U.S.C. §103(a) as being unpatentable over Skarbo et al. et al. in view of Richards, in further view of Sharo is respectfully requested.

### III. Non-Statutory Double Patenting Rejection:

The Examiner has rejected claim 1 – 133 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 – 50 of U.S. Patent No. 6, 691,155 to Gottfried (hereinafter, the '155 patent). The Examiner has stated that although the conflicting claims are not identical, they are not patentably distinct from each other because claim 1 of the '155 patent contains every element of claim 1 of the instant application and thus anticipates the claim of the instant application.

In order to expedite prosecution of this application, enclosed herewith is a Terminal Disclaimer in the form required by 37 CFR 1.321(c) in view of Examiner's provisional double patenting rejection, as claiming the same invention as that of claim 1 of the '155 patent.

Accordingly, reconsideration of the rejection of claims 1 - 133 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 – 50 of the '155 is respectfully requested.

### CONCLUSION

In view of the amendments to the claims and drawings, the submission of replacement drawing sheets, the petition under 37 CFR §1.84(a)(2), the Terminal Disclaimer in the form required by 37 CFR 1.321(c) submitted herewith, and the remarks set forth above, it is respectfully submitted that the present application is in allowable condition, and that the formal matters and rejections raised by the Examiner have been overcome. Reconsideration of the objections to the drawings and the rejection of present claims 1-133, as amended, and allowance of this application, are earnestly solicited.

Respectfully submitted,  
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